

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF CHANGE APPLICATION)

AMENDED

)

MEMORANDUM DECISION

NUMBER 55-8950 (a18982))

Change Application Number 55-8950 (a18982), in the names of Utah Lake Distributing Company and West Utah Lake Special Service District, was filed on May 30, 1995, to change the point of diversion, place and nature of use of 10.76 cfs or 3439.03 acre-feet of water. Heretofore, the water has been diverted from Utah Lake at a point located South 1282 feet and West 17 feet from the N $\frac{1}{4}$ Corner of Section 25, T5S, R1W, SLB&M, and rediverted from the Jordan River at a point located South 395 feet and East 2438 feet from the W $\frac{1}{4}$ Corner of Section 26, T4S, R1W, SLB&M. The water has been used for the irrigation of 687.81 acres from April 1 to October 31 within the service area of the Utah Lake Distributing Company.

Hereafter, it is proposed to divert 1.23 cfs or 394.4 acre-feet of water from the same sites, but adding five well sites located: (1) North 75 feet and East 75 feet from the SW Corner of Section 19, T5S, R1E, SLB&M; (2) South 509 feet and East 1322 feet from the N $\frac{1}{4}$ Corner of Section 24; (3) North 500 feet and West 700 feet from the SE Corner of Section 24; (4) North 500 feet and West 500 feet from the S1/4 Corner of Section 24; and (5) North 2220 feet and West 1880 feet from the S $\frac{1}{4}$ Corner of Section 24, all four in T5S, R1W, SLB&M. It is proposed to use the water for municipal purposes in the West Utah Lake Special Service District.

The application was advertised in the Lehi Free Press from July 19, 1995, to July 26, 1995, and was protested by Central Utah Water Conservancy District, Provo River Water Users Association, and the US Bureau of Reclamation. A hearing was held on February 28, 1996, in Orem, Utah. The application was approved on February 20, 1998, and a request for reconsideration was received from the applicant on March 11, 1998. The request was granted on March 17, 1998. In the request it is stated that the canal loss has incorrectly been computed, it should be 20 percent, the assumptions for return flow are incorrect, and the quantification of the underlying water right was incorrect.

The State Engineer has reviewed the information submitted and finds the following:

- A. The applicant has submitted a request stating that 20 percent of the water diverted historically should be left in the canal for canal losses due to an agreement between the canal company and the Utah Lake Special Service District. It appears that this amount for canal losses would be above the amount requested to be changed and would be left in the canal. This would be acceptable to the State Engineer.

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- B. The applicant has stated that the wastewater will be treated and then reused for irrigation during the irrigation season. This is different from the original evaluation. The water is proposed to be used for domestic use then the wastewater will be treated and reused as irrigation water. Of the water diverted 15 percent will be lost or 59.16 acre-feet for domestic use (394.4 acre-feet X 15 percent). The balance of the water will, during the nonirrigation season, return directly to Utah Lake. This would be 5/12 of the 355.24 acre-feet available or 148.0 acre-feet. The balance or 207.24 acre-feet (355.24 acre-feet - 148.0 acre-feet) will be utilized for irrigation use. Assuming 60 percent irrigation efficiency, 124.344 acre-feet will be lost. The balance would return to Utah Lake through return flows. The balance would return to Utah Lake through return flows. This would total 183.5 acre-feet of water that the proposed uses would consume.
- C. The historic use of the water was for irrigation of 98.60 acres of land (493 acre-feet / 5 acre-feet per acre). The consumptive use for that part of Salt Lake County is 2.12 acre-feet per acre. The historic consumptive use is 209.0 acre-feet of water (98.60 acres X 2.12 acre-feet per acre). The balance, or 185.40 acre-feet of water (394.4 acre-feet - 209 acre-feet), will be left in Utah Lake and available to any downstream user that may be able to demonstrate that their water right has been impaired by this change application.
- D. After review of items A, B, and C above it is apparent that the proposed consumptive use is less than the historic consumptive use. It appears that the change application can be approved.

In evaluating the various elements of the underlying rights, it is not the intention of the State Engineer to adjudicate the extent of these rights, rather to provide sufficient definition of the rights to assure that other vested rights are not impaired by the change and no enlargement occurs. If, in a subsequent action, the court adjudicates that this right is entitled to either more or less water, the State Engineer will adjust the figures accordingly.

It is, therefore, **ORDERED** and Change Application Number 55-8950 (a18982) is hereby **APPROVED** subject to prior rights and the following conditions:

1. This change application is limited to the diversion and use of 394.40 acre-feet of water annually.
2. The applicants shall install permanent totalizing meters on all sources

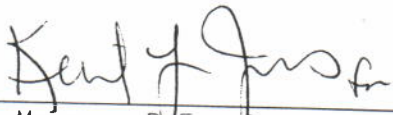
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where this water is to be diverted. The applicants shall further keep at least monthly records of all water diverted from all sources. The meters and the records shall be available to the State Engineer at all reasonable times to regulate this change application.

3. The applicants can only deplete the same amount of water as has historically been depleted under the historic irrigation use.
4. The applicants shall reduce the diversion into the Utah Lake Distributing Canal by 394.40 acre-feet annually for this change application. A total of 98.60 acre-feet of water can be diverted into the canal for seepage, but cannot be utilized for any other use.
5. Upon submittal of proof of diversion and use of water, the applicants shall provide evidence that the above conditions have been met in addition to all other information required at that time.
6. A total of up to 185.40 acre-feet of water shall be left in Utah Lake. This water shall be made available to any downstream water user if it can be shown to the satisfaction of the State Engineer that their rights are being impaired by this change application.

This Decision is subject to the provisions of Rule R655-6-18 of the Division of Water Rights and to Sections 63-46b-14 and 73-3-14 of the Utah Code, which provide for the filing of an appeal with the appropriate District Court. A court appeal shall be filed within 30 days after the date of this Decision.

Dated this 2nd day of November, 1998.


Robert L. Morgan, P.E., State Engineer

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Mailed a copy of the foregoing Memorandum Decision this 2nd day of November, 1998, to:

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BY: _____

Judy Ausick

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